



POLICY BRIEF

Protecting Citizens: The Canadian Response to the
Anti-Terror Law in the Philippines

TRISHA BARBARONA

The LEVEL Youth Policy Program takes place on the traditional and unceded territories of the xʷməθkʷəyəm (Musqueam), Skwxwú7mesh (Squamish) & sə́ilwətaʔ (Tsleil-Waututh) Coast Salish peoples.

GRAPHIC DESIGN

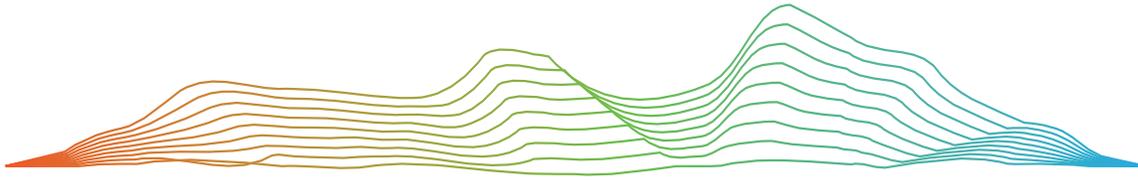
And Also Too

COVER ILLUSTRATION

Yaimel Lopez

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About the LEVEL Initiative

LEVEL is a youth engagement initiative of Vancouver Foundation that aims to address racial inequity. We do this by investing in the leadership capacity of Indigenous, racialized, immigrant, and refugee youth to create more opportunities throughout the non-profit and charitable sector.

Despite being the fastest-growing youth populations in British Columbia, Indigenous, immigrant, and refugee youth don't have the same opportunities as other young people. Race continues to be a factor that hinders their ability to have a say in decisions that impact their lives.

LEVEL empowers these youth by building their capacity to challenge and change those systems that hinder their ability to build a more just world.

LEVEL consists of three pillars of work to advance racial equity

1. LEVEL Youth Policy Program
2. LEVEL Youth Organizing
3. LEVEL Youth Granting

About the LEVEL Youth Policy Program (LEVEL YPP)

The LEVEL Youth Policy Program (LEVEL YPP) brings together young people between the ages of 19 and 29 from across British Columbia who identify as being Indigenous or racialized immigrants or refugees. Indigenous

and racialized Newcomer youth are disproportionately impacted by certain public policies but are rarely included in the development and implementation of public policy process. The LEVEL YPP aims to provide these youth with equitable training and leadership opportunities to better navigate the public policy landscape, and to develop new tools and skills to influence, shape, and advocate for policy changes that are relevant in their own communities. Having young people directly involved in shaping policies that impact their lives is essential to creating systemic, meaningful change. The LEVEL YPP's training is grounded from and within Indigenous peoples' worldviews, which the program acknowledges, could vary from person-to-person or nation-to-nation. Indigenous worldviews place a large emphasis on connections to the land. This perspective views the land as sacred; where everything and everyone is related and connected; where the quality of the relationships formed are key in life; where what matters is the success and well-being of the community, and where there can be many truths as they are based on individual lived experiences.¹ As such, an important premise of this training is to centre and place a particular focus on the fact that the work that has gone into developing this training, as well as the training itself, has taken and will take place on unceded (never given away/stolen) territories of the hən̓q̓'əmin 'əṁ-speaking Musqueam peoples, of the Halkomelem-speaking Tsleil-Waututh peoples, and of the sníchimspeaking Skwx_wú7mesh (Squamish) peoples.

1. <https://www.ictinc.ca/blog/indigenous-peoples-worldviews-vs-western-worldviews>

Biography

TRISHA BARBARONA



Trisha (they/them) is a non-binary first-generation Filipinx immigrant who has called the unceded territories of the Coast Salish peoples home for the last 10 years. A passionate advocate for LGBTQIA+ rights, environmental justice and BBIPOC-led community organizing, Trisha aims to bring BBIPOC voices and issues through a career in Journalism at Kwantlen Polytechnic University (KPU). Alongside that, Trisha is also a poet, as poetry is their means to engage in activism and connect to their Pilipinx roots.

Instagram: @trish_the_fishhh

Acknowledgements

I acknowledge that my work and life is situated on the ancestral unceded homelands of the x^wməθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), Səlilwətaʔ/Selilwitulh (Tsleil-Waututh) peoples, and that the place I call home belongs to the Semiahmoo, Kwikwitlem, Katzie, Kwantlen, Qayqayt, and Tsawwassen peoples.

This is important to acknowledge as I am an uninvited settler from the Philippines aiming to build a life and better allyship and solidarity between the Filipinx and the Indigenous community on these stolen lands.

Executive Summary

On July 3, 2020, the Anti-Terror Bill was signed into law by the president of the Philippines and officially took effect by July 23.

Fast-tracked and supported by 168 lawmakers of the House of Representatives (Cepeda, 2020), the law holds the power to prevent and stop terrorist attacks in the country by directly targeting individuals who are profiled to be most likely to join considered terrorist groups or perform such acts. President Rodrigo Duterte has issued the creation of the Anti-Terror Council (ATC), a group likely made up of die-hard supporters of Duterte and his policies, who will target, surveil, and dictate the fates of those suspected of speaking, plotting, or rallying against the president and his government. This law comes at a time during a worldwide pandemic, when the state of the health and financial security of Filipinxs are unmanageable and jeopardized by the government daily, and the worldwide protesting for human rights as seen in Hong Kong and the United States. Since their rise to power in 2016, Duterte's government has tirelessly targeted, imprisoned, and killed political and environmental activists, poor people and peasant farmers, journalists and media outlets, and non-profit grassroots organizers for defending their rights, demanding respect of their Indigenous lands, and calling out the government's blatant abuse of power over their people. The Anti-Terror Law (ATL) is a glaring attack on human rights as it aims to infringe on a person's privacy, silences dissent, and gives the police and military more reasons to abuse their power.

As the ATL develops into a new plague on the lives of Filipinxs demanding justice and

rights, Filipinxs living outside of the Philippines will also be targeted by this law. The new Anti-Terror Council, the Armed Forces of the Philippines, and the Philippine National Police will be given the ability to monitor social media and use that as a means of surveillance to prey on individuals who use online platforms to mobilize and educate their communities, voice out their concerns, and share petitions or fundraising against non-state recognized organizations. With this authority, the ATL has clear power to deem Filipinxs living in so-called "Canada" as "terrorists." There are approximately 800,000 Filipinxs living in so-called "Canada." They are a population composed of migrant workers, families, and students all supporting dreams of prosperous and protected lives on Turtle Island, while financially assisting their families back home. As the Philippines declares an economic recession, COVID-19 cases continue to rise, and the country gears up to enter another cycle of typhoon season, the families on the homeland are being constantly bombarded with pain and hardship. Thus, affecting those living on Turtle Island. More and more, the Filipinx people, both on Turtle Island and the homeland, are waking up to the atrocities spearheaded by the Philippine government. They are realizing that the president is using Filipinxs as disposable commodities to appease modern colonizers, and to exploit cheap labour and feed resource-hungry corporations. With this, Filipinx-Canadians are using their privileges to organize and speak out against these exploitations, including lack of protection and unjust imprisonment

Author's note: Some of the language used in this policy is intentionally chosen for the purpose of decolonizing the names of the land we live on and to be inclusive of the people I am referring to. It will be common to see "so-called Canada," "Turtle Island," and "Filipinx/s" throughout this written piece due to my role as a queer, Filipinx immigrant who is an uninvited guest on these lands, and also not encompassed within the gendered term "Filipino/a." All of this is to show respect and actively work on exposing the genocidal erasures of history, culture, and identity within written and spoken language.



and murders of activists, journalists, and other innocent people. The ATL was created to scare the Filipinx people into silence and compliance when their rights are being infringed upon and wrongfully taken from them, just when the people are already suffering under displacement from their Indigenous lands, a pandemic, and financial instability.

Therefore, Filipinx-Canadians must urge the Canadian government to step in and condemn this law. The aim of this policy is for Filipinx to realize the atrocities happening in their homeland, collectively pressure the Canadian Federal government to listen, suspend the export of military products that could be used to violate human rights, and suspend the

extradition treaty with the Philippines. Similar to the way in which the Canadian government responded to the outcry against the National Security Act in Hong Kong, the Canadian government needs to protect the Filipinx people from the potential abuse that the ATL may encourage when it comes to Philippine government critics. The Anti-Terror Law of the Philippines and the National Security Law of China are two of many policies that seek to silence people. The Canadian government should address these issues, as they directly affect the constituents of their multicultural country, therefore, all levels of government have an obligation to speak out against the issue that is the ATL.

Problem Definition and Background

Academic institutions were created and founded on colonial oppressive and assimilative terms for BIPOC here in so-called “Canada.”

WALK-THROUGH THE ANTI-TERROR LAW (ATL)

When determining the justification of a crime of terror, the ATL defines “intent” and “purpose” as the basis in which to judge and convict the crime committed instead of condemning the act or its consequences. For example, terrorism defined in Section 4a to 4c includes (Official Gazette, Republic Act No. 11479, 2020):

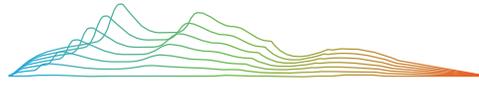
- “acts intended to cause death or serious bodily injury to any person, or endangers a person’s life”;
- “[acts] intended to cause extensive damage or destruction to a government or public facility, public place or private property”;
- “[acts] intended to cause extensive interference with, damage or destruction to critical infrastructure.”

Furthermore, the ATL includes:

- “the purpose of such act, by its nature and context, is to intimidate the general public or a segment thereof, create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any international organization or seriously destabilize or destroy the fundamental political, economic or social structure of the country or create a public emergency or serious under public safety, shall be guilty of committing terrorism and shall suffer the penalty of life imprisonment without the benefit of parole.”

The ATL will be enforced by the ATC and according to Section 25, the council can “designate individuals/groups as terrorists under probable cause.” Additionally, under the authorization of the ATC, police and military personnel are allowed to arrest and detain a person suspected of committing crimes, even without a judicial arrest. They can be arrested simply on the basis of suspicion. The ATL bestows the privilege upon the ATC to simply select and virtually pick out anyone who they deem to have the intent and purpose of terrorist crime, which can include activists participating in a march or protests against the government’s policies, journalists reporting on the atrocities perpetrated by Duterte’s government, or even individuals who are joining and participating with organizations that criticize the government.

For those living outside of the Philippines, Section 49a - 49f includes clauses that determine whether Filipinx (and non-Filipinx) citizens, nationals, or individual persons can be affected by the consequences of the ATL regardless if they are (Official Gazette, Republic Act No. 11479, 2020):



The ATL bestows the privilege upon the ATC to simply select and virtually pick out anyone who they deem to have the intent and purpose of terrorist crime.

- “[committing the crime] outside the territorial jurisdiction of the Philippines”;
- “[if they are] physically outside the territorial limits of the Philippines [but commit crimes] inside the territorial limits of the Philippines”;
- “[if they are] physically outside the territorial limits of the Philippines [but] onboard a Philippine ship or airship”;
- “[if they commit a crime] within any embassy, consulate, or diplomatic premises belonging to or occupied by the Philippine government in an official capacity”;
- “[if they are] physically outside the territorial limits of the Philippines [while committing crimes] against Philippine citizens or persons of Philippine descent, where their citizenship or ethnicity was a factor in the commission of the crime”;
- “[if they are] physically outside the territorial limits of the Philippines but commit said crimes directly against the Philippine government.”

CONSEQUENCES OF THE ATL

According to the ATL, a number of actions would fall under the description of “terrorist” of the law including:

- “[causing] damage or [attempting] to cause damage to government properties/facilities”;



- “Assault or attempted assault”;
- “[buying or carrying a knife or anything with the intention to kill]”;
- “[meeting] up with friend/s because of the possibility that you might secretly be plotting an attack with them”;
- “Donating or helping relief drives that aren’t government/state-recognized”;
- “Participating in a rally or any movement that can cause a ‘serious risk to public safety’”;
- “Posting, writing, sharing and/or retweeting posts (even memes) related to ‘terrorist activities.’”

If an individual is suspected of any of these actions, the ATC has the authority to surveil you for up to 60 days plus a possible 30-day extension without your knowledge. This would include:

- “Assets of designated individuals are subject to FREEZE orders by the Anti-Money Laundering Council (AMLC)”;
- “Freeze period: 20 days subject to extension for up to six months.”

“Section 29 also allows police AND military personnel to ARREST and DETAIN a person suspected of committing crimes even without a judicial warrant.” The requisites to detain an individual are “written authority from the Anti-Terrorism Council (ATC)” and “SUSPICION that a person is committing a crime under R.A. 11479.” Thus, the ATC’s suspicion and their assumed intent of your actions can subject you to detention for 14 days (subject to 10-day extension) without the need for “to present the arrested person to a judge (written report only)” and/or “surveillance prior to warrantless arrest.”

Hence, once convicted, an individual can suffer through 12 years in jail to life imprisonment. The ATL has been criticized multiple times



Many targets are poor people and their communities, land defenders, human-rights activists, grassroots organizers, and journalists.

by lawyers and activists for being too vague in depicting the terms that create a terrorist. It leaves room for interpretation and false accusations that pit your voice against the voice of those who make up the ATC.

The Philippine government has a track record of labelling environmental activists, human-rights defenders, grassroots organizers and leaders, and poor and peasant people as terrorists, accusing them of false claims from money laundering, drug trafficking, possession of weapons intended to kill, etc., simply for voicing their opinions against the government’s policies.

IMPORTANCE OF ACTING NOW

Since the election of Duterte in 2016, he has ordered more than 27,000 anti-drug war related killings of drug peddlers and abusers (Human Rights Watch, 2020), convicted 604 political prisoners, and continues to militarize lockdown measures in the Philippines in an effort to battle COVID-19. Many of his targets are poor people and their communities, land defenders, human-rights activists, grassroots organizers, and journalists. His crimes against his own people have been shoved under the rug, denied investigation, and lack real holistic action, yet he claims they were all justified in order for his people listen and obey. With the ATL now in full-effect, Duterte’s pattern of targeting those who oppose him with threats of imprisonment and death, becomes a deadly weapon against human rights.

Policy Recommendations

As Filipinx-Canadians, whether citizens or not, we hold a privilege that grants us abilities to safely attend school, join organizations, and to protect our rights as we occupy these stolen lands. There are multiple opportunities within our schools, workplaces, and religious and government institutions that allow us to connect with one another and talk freely about issues that occur at home, and what we can do to help. Many grassroots organizations that support and protect the Filipinx right to live and nurture their families here, exist as tools to connect other Filipinx who will ensure that they have access to a safe space and community care. Amongst those organizations are Anakbayan Canada, Malaya Movement Canada, Bayan Canada, Gabriela Canada, and the International Coalition for Human Rights in the Philippines, that have set up localized branches of their organizations in order to raise awareness about the grave situation in the Philippines.

Currently, the aforementioned organizations have created petitions, online forums, teach-ins and garnered presence on social media to spread the word about the ATL. While this is already commendable work that needs to continue, the Canadian government needs to deliver more action on its stance concerning human-rights issues in the Philippines.

On June 30, 2020, China imposed its new National Security Law (Tsoi & Lam, 2020) on Hong Kong amidst the nationwide protests that began in June 2019. The new National Security Law seems to trademark much of what has been written for the ATL of the Philippines. The most notable similarity of the National Security Law's authorities to the ATL is the power to claim extraterritorial jurisdiction. So, on July 3, 2020, "Canada" suspended the extradition treaty with Hong Kong (The Canadian Press, 2020) on the basis that it violates the "one country, two systems" philosophy of Hong Kong's relationship with China. As so-called "Canada" has taken a stance to protect people from Hong Kong living here, "Canada" needs to do the same for the people of the Philippines, who are now subject to equivalent, if not stricter terrors, placed on them by their own government. "Canada" has remarked in the past that it does not agree with the Philippine government's methods of handling the "war on drugs" because it is an abuse to human rights. Therefore, "Canada" needs to enact the same level of concern and action that can assist the Filipinx people living on Turtle Island by:

- Listening to its constituents regarding the situation in the Philippines and how the ATL only worsens the country's unmanageable and jeopardized state;
- Outwardly condemning the creation and passing of the ATL;
- Suspending the export of sensitive military items to the Philippines;
- Suspending the extradition treaty with the Philippines.



These policies highlight how “Canada” has acted upon human-rights issues in the past for other countries that have suffered a similar fate to the Philippines. While it has a long way to go, “Canada” can contribute to the safety and protection of Filipinx living on Turtle Island by suspending the export of military items to the Philippines. Through “the Canadian Commercial Corp., whose role includes selling military goods to other countries on behalf of the government, says the Philippines agreed to buy the Canadian-made Bell helicopters at the end of December [2018]” (Canadian Press, 2018), and “Canada also sold eight Bell helicopters made in Montreal to the Philippine armed forces in 2015” (Canadian Press, 2018). While some of these helicopters were used to serve the country in the distribution of humanitarian aid, the Philippines has a known track record for using heavily militarized tactics to combat the Islamic State in Southern Mindanao, while civilians living there could be harmed or killed in the battle.

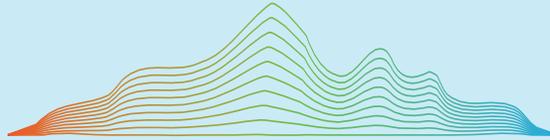
For a very long time, so-called “Canada” has been deemed a safe haven for many Filipinx especially due to its humanitarian approach to legislation compared to the Philippines. It has provided a source of income, a home for families to build upon and a chance to benefit from world-class education. So as “Canada” aims to move in the direction of reconciliation and creating a livable life for all, the federal government needs to listen to their constituents as they raise an alarm about the situations happening in their home countries. By suspending the extradition treaty with the Philippines, Canada can protect its Filipinx-Canadian constituents who live on Turtle Island. As of right now, the existing Canadian treaty with the Philippines includes protection from extradition when “the offence is considered political, request is utterly discriminatory, or a violation of military law” (Casares, 2011). But due to Duterte’s history of placing trumped-up charges and false allegations on his targets, regardless of the evidence presented, the ATL simply offers another level of jurisdiction to authorize an individual’s act to be criminal. All levels of Canadian government can show support for the protection of Filipinx people’s right to dissent and criticize their government in the form of enacting legislation that puts direct action forward.



So as “Canada” aims to move in the direction of reconciliation and creating a livable life for all, the federal government needs to listen to their constituents as they raise an alarm about the situations happening in their home countries.



Conclusion



The ATL targets dissent, allows impunity within governing and policing bodies, and kills the Filipinx people’s right to speak the truth about Duterte’s mistreatment of the country and its citizens. Many have criticized its vagueness, its reason for existing, and its purpose in fixing the problems the country, continues to hide away. Instead of properly addressing the systemic issues plaguing the Philippines such as the drug war, the overcrowded prison system, the pillaging and exploiting of native land and resources, the rising of COVID-19 cases, or the economic recession, the ATL cuts hope for anyone choosing to stand up and fight for respect and dignity. The gravity of the ATL weighs heavily on those who have been previously victimized by fascist rulers such as Ferdinand Marcos during the Martial Law from 1972 to 1981 and now Rodrigo Duterte. This policy is a step towards protecting Filipinx living on Turtle Island, particularly “Canada.” It aims to pressure the Canadian government to listen to the Filipinx people living within their borders, and act quickly to defend us against a tyrant.

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Vancouver Foundation is Community Inspired. We are a community foundation that connects the generosity of donors with the energy, ideas, and time of people in the community. Together, we've been making meaningful and lasting impacts in neighborhoods and communities since 1943. We work with individuals, corporations, and charitable agencies to create permanent endowment funds and then use the income to support thousands of charities. We recognize that communities are complex and that collaboration between multiple stakeholders is needed to help everyone thrive and evolve. Vancouver Foundation brings together donors, non-profits and charities, government, media and academic institutions, local leaders, and passionate individuals to build meaningful and lasting change in the province of British Columbia. We see young people, their voices and experiences as part of that vision to building meaningful change.

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